

U.S. District Court
Northern District of West Virginia (Wheeling)
CRIMINAL DOCKET FOR CASE #: 5:19-cr-00022-JPB-JPM-1

Case title: USA v. Anderson

Date Filed: 06/04/2019

Date Terminated: 02/21/2020

Assigned to: District Judge John

Preston Bailey

Referred to: Magistrate Judge James P.
Mazzzone

Defendant (1)

Martin Anderson

TERMINATED: 02/21/2020

also known as

Martin Thomas Anderson

TERMINATED: 02/21/2020

also known as

Martin T. Anderson

TERMINATED: 02/21/2020

also known as

Martin T. McNeil

TERMINATED: 02/21/2020

also known as

Martin T. McNeal

TERMINATED: 02/21/2020

also known as

Jeffrey Brown

TERMINATED: 02/21/2020

represented by **John A. Schwab**

Pietragallo, Gordon, Alfano Bosick &
Raspanti, LLP

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

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TERMINATED: 08/06/2019

Designation: CJA Appointment

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TERMINATED: 06/20/2019

Designation: CJA Appointment

Sean Thomas Logue

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TERMINATED: 01/14/2021
Designation: Retained

Pending Counts

UNLAWFUL TRANSPORT OF FIREARMS, ETC.
(3)

Disposition

Defendant to be incarcerated for a term of 18 months; Supervised Release 3 years; Special Assessment \$100.00; Fine N/A; Restitution N/A; Forfeiture N/A

Highest Offense Level (Opening)

Felony

Terminated Counts

UNLAWFUL TRANSPORT OF FIREARMS, ETC.
(1)
SELL DEFACED FIREARMS
(2)

Disposition

Dismissed upon Motion by the Government
Dismissed upon Motion by the Government

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **Shawn Michael Adkins**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: United States Attorney

Date Filed	#	Docket Text
06/04/2019	1	INDICTMENT as to Martin Anderson (1) count(s) 1, 2 and 3. (AUSA via email) (lmm) (Entered: 06/04/2019)
06/04/2019	2	*SEALED* Indictment - Unredacted, re 1 Indictment as to Martin Anderson. (Attachments: # 1 Grand Jury Docket Sheet) (lmm) (Entered: 06/04/2019)
06/04/2019	4	UNITED STATES' MOTION FOR ORDER TO SEAL by USA as to Martin Anderson. (lmm) (Entered: 06/04/2019)
06/04/2019	5	ORDER TO SEAL granting 4 Motion as to Martin Anderson (1). Signed by Magistrate Judge James P. Mazzone on 6/4/19. (lmm) (Entered: 06/04/2019)
06/05/2019		Case unsealed as to Martin Anderson pursuant to arrest. (lmm) (Entered: 06/05/2019)
06/05/2019		Arrest of Martin Anderson. (lmm) (Entered: 06/05/2019)
06/05/2019	6	PAPERLESS ORDER as to Martin Anderson. An Initial Appearance is set for 6/6/2019 at 11:00 AM in the Wheeling Magistrate Judge Courtroom, 4th Floor before Magistrate Judge James P. Mazzone. Signed by Magistrate Judge James P. Mazzone on 6/5/19. (jc) (Entered: 06/05/2019)
06/06/2019	7	MOTION for Detention <i>Hearing</i> by USA as to Martin Anderson. (Attachments: # 1 Text of Proposed Order)(Adkins, Shawn) (Entered: 06/06/2019)
06/06/2019	8	MINUTE ENTRY: <u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE.</u> <u>IT IS FOR STATISTICAL PURPOSES ONLY.</u> Proceedings held before Magistrate Judge James P. Mazzone as to Martin Anderson: Initial Appearance held on 6/6/2019. (Tape #WHG Mazzone 5 19 cr 22 USA v Anderson 6 6 2019.) (nmm) (Entered: 06/06/2019)
06/06/2019	9	** SEALED ** CJA 23 Financial Affidavit as to Martin Anderson (copy to FPD via email) (nmm) (Entered: 06/06/2019)
06/06/2019	10	PAPERLESS ORDER as to Martin Anderson. An Initial Appearance was held on this date. The Government requested detention. Accordingly, Defendant was REMANDED to the custody of the United States Marshals Service pending further proceedings. An Arraignment and Detention Hearing are SET for 6/10/2019 at 1:30 PM in the Wheeling Magistrate Judge Courtroom, 4th Floor before Magistrate Judge James P. Mazzone. Signed by Magistrate Judge James P. Mazzone on 6/6/2019. (jh) (Entered: 06/06/2019)
06/06/2019	11	ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT as to Martin Anderson. Signed by Magistrate Judge James P. Mazzone on 6/6/19. (lmm) (Entered: 06/06/2019)
06/07/2019	12	ORDER APPOINTING CJA PANEL ATTORNEY AS COUNSEL. Attorney Kevin L. Neiswonger for Martin Anderson. Signed by Magistrate Judge James

		P. Mazzone on 6/7/19. (Defendant via US Mail; L. Coleman, USPO and USM via email) (lmm) (Entered: 06/07/2019)
06/10/2019	13	MINUTE ENTRY: <u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u> Proceedings held before Magistrate Judge James P. Mazzone as to Martin Anderson: Detention/Arraignment as to Counts 1,2,3 held on 6/10/2019. (Tape #WHG Mazzone 5 19 cr 22 USA v Anderson 6 10 2019.) (nmm) (Entered: 06/10/2019)
06/10/2019	14	Clerk's WITNESS LIST from Arraignment/Detention hearings held on 6/10/2019 as to Martin Anderson. (nmm) (Entered: 06/10/2019)
06/11/2019	15	INITIAL SCHEDULING ORDER as to Martin Anderson <u>***NOTICE TO ATTORNEYS*** : Pursuant to Rule 12.4(a)(1) of the Federal Rules of Criminal Procedure, ALL Non-governmental CORPORATE PARTIES must file a DISCLOSURE STATEMENT with the Court. Additionally, per Rule 12.4(a)(2) of the Federal Rules of Criminal Procedure, the GOVERNMENT must file a statement identifying all organizational victims. Forms are available on the Court's Web Site at http://www.wvnd.uscourts.gov/forms.htm</u> Discovery due by 6/17/2019. Motions due by 7/1/2019. Responses due by 7/8/2019. Motion Hearing set for 7/9/2019 10:00 AM in Wheeling Magistrate Judge Courtroom, 4th Floor before Magistrate Judge James P. Mazzone. Plea Agreement due by 7/23/2019. Jury Selection/jury Trial set for 7/30/2019 08:30 AM in Wheeling District Judge Courtroom, South before Senior Judge Frederick P. Stamp Jr. Signed by Magistrate Judge James P. Mazzone on 6/11/19. (USPO and USM via email) (lmm) (Entered: 06/11/2019)
06/11/2019	16	DETENTION ORDER granting 7 Motion for Detention as to Martin Anderson (1). Signed by Magistrate Judge James P. Mazzone on 6/11/19. (USPO and USM via email) (lmm) (Entered: 06/11/2019)
06/19/2019	18	MOTION to Withdraw as Attorney by Kevin L. Neiswonger. by Martin Anderson. (Neiswonger, Kevin) (Entered: 06/19/2019)
06/20/2019	19	ORDER GRANTING 18 MOTION TO WITHDRAW AS COUNSEL as to Martin Anderson: representation by attorney Kevin L. Neiswonger terminated. Accordingly, the Court will proceed to obtain substitute counsel for defendant. Signed by Senior Judge Frederick P. Stamp, Jr on 6/20/2019. (copy to Defendant via US Mail; copy to counsel and USP via CM/ECF; copy to USM via email) (nmm) (Entered: 06/20/2019)
06/20/2019	20	ORDER APPOINTING CJA PANEL ATTORNEY AS COUNSEL. Attorney Frankie Carle Walker, II for Martin Anderson. Signed by Senior Judge Frederick P. Stamp, Jr. on 6/20/19. (USPO, USM and L. Coleman via email) (lmm) (Entered: 06/20/2019)

06/25/2019	21	MOTION for Extension of Time to File <i>Objections/Appeal to ORDER of Detention</i> by Martin Anderson. (Attachments: # 1 Text of Proposed Order) (Walker, Frankie) (Entered: 06/25/2019)
06/27/2019	22	ORDER OF COURT granting 21 Motion for Extension of Time to File as to Martin Anderson (1). Signed by Senior Judge Frederick P. Stamp, Jr. on 6/27/19. (lmm) (Entered: 06/27/2019)
06/27/2019	23	TRANSCRIPT of Proceedings held on 6/10/2019, before Judge Mazzone as to Martin Anderson Court Reporter/Transcriber Cindy Knecht, Telephone number 304.234.3968. Parties have five business days to file a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will become available via PACER to the public without redaction after 90 calendar days. Redaction Request due 7/18/2019. Redacted Transcript Deadline set for 7/29/2019. Release of Transcript Restriction set for 9/25/2019. (ck) (Entered: 06/27/2019)
07/03/2019	24	PAPERLESS ORDER as to Martin Anderson. For scheduling purposes, The Motion hearing set for 7/9/19 has been CANCELLED as no Motions have been filed. Signed by Magistrate Judge James P. Mazzone on 7/3/19. (jc) (Entered: 07/03/2019)
07/10/2019	25	Consent MOTION to Continue <i>Trial and Reset Deadlines</i> by Martin Anderson. (Attachments: # 1 Text of Proposed Order)(Walker, Frankie) (Entered: 07/10/2019)
07/10/2019	26	OBJECTIONS to 16 Order on Motion for Detention, (Walker, Frankie) (Entered: 07/10/2019)
07/11/2019	27	ORDER GRANTING DEFENDANT'S UNOPPOSED 25 MOTION TO CONTINUE TRIAL DATE AND RESET DEADLINES as to Martin Anderson. Plea Agreement due by 10/29/2019. ury Selection/Jury Trial set for 11/5/2019 08:30 AM in Wheeling District Judge Courtroom, South before Senior Judge Frederick P. Stamp Jr. Signed by Senior Judge Frederick P. Stamp, Jr. on 7/11/19. (USPO and USM via email) (lmm) (Entered: 07/11/2019)
08/05/2019	28	MOTION for Leave to Appear Attorney: Sean Logue. by Martin Anderson. (Logue, Sean) (Entered: 08/05/2019)
08/05/2019	29	MOTION to Substitute Attorney by Martin Anderson. (Logue, Sean) (Entered: 08/05/2019)
08/05/2019	30	MOTION to Withdraw as Attorney by Frankie C. Walker II. by Martin Anderson. (Attachments: # 1 Text of Proposed Order)(Walker, Frankie) (Entered: 08/05/2019)
08/06/2019	31	ORDER GRANTING 29 MOTION TO WITHDRAW AND SUBSTITUTION OF COUNSEL AND GRANTING 30 MOTION TO WITHDRAW AS COUNSEL OF RECORD as to Martin Anderson (1). Frankie Carle Walker, II withdrawn from case. Signed by Senior Judge Frederick P. Stamp, Jr. on 8/6/19. (Defendant via US Mail; USPO and USM via email) (lmm) (Entered: 08/06/2019)

08/12/2019	33	ORDER ***SEALED*** as to Martin Anderson (1); ***SEALED***. Signed by Senior Judge Frederick P. Stamp, Jr. on 8/12/19. (Defendant via US Mail; L. Coleman and Defendant's counsel via email) (lmm) (Entered: 08/12/2019)
08/30/2019	34	MOTION for Reconsideration by Martin Anderson. (Logue, Sean) (Entered: 08/30/2019)
09/03/2019	35	ORDER DENYING DEFENDANT'S 34 MOTION FOR RECONSIDERATION OF DETENTION as to Martin Anderson. Signed by Magistrate Judge James P. Mazzone on 9/3/19. (USPO and USM via email) (lmm) (Entered: 09/03/2019)
09/19/2019	36	MOTION to Revoke <i>Pretrial Detention Order</i> by Martin Anderson. (Logue, Sean) (Entered: 09/19/2019)
09/20/2019	37	ORDER SCHEDULING HEARING ON MOTION FOR REVOCATION OF PRETRIAL DETENTION ORDER as to Martin Anderson re 36 MOTION. Motion Hearing set for 9/23/2019 10:30 AM in Wheeling District Judge Courtroom, South before Senior Judge Frederick P. Stamp Jr. Signed by Senior Judge Frederick P. Stamp, Jr. on 9/20/19. (USPO and USM via email) (lmm) (Entered: 09/20/2019)
09/23/2019	38	MINUTE ENTRY: <u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u> Proceedings held before Senior Judge Frederick P. Stamp, Jr: Motion Hearing as to Martin Anderson held on 9/23/2019 re 36 MOTION to Revoke <i>Pretrial Detention Order</i> filed by Martin Anderson. (Court Reporter Cindy Knecht.) (soa) (Entered: 09/23/2019)
09/23/2019	39	WITNESS LIST of Detention Order Hearing of Martin Anderson. (soa) (Entered: 09/23/2019)
09/23/2019	40	ORDER SCHEDULING PLEA HEARING as to Martin Anderson. Plea Hearing set for 9/30/2019 03:00 PM in Wheeling District Judge Courtroom, South before Senior Judge Frederick P. Stamp Jr. Signed by Senior Judge Frederick P. Stamp, Jr. on 9/23/19. (Defendant via US Mail; USPO and USM via email) (lmm) (Entered: 09/23/2019)
09/24/2019	41	MEMORANDUM OPINION AND ORDER CONFIRMING PRONOUNCED RULINGS OF THE COURT AFFIRMING MAGISTRATE JUDGE'S DETENTION ORDER, OVERRULING DEFENDANT'S OBJECTIONS AND DENYING DEFENDANTS 36 MOTION TO REVOKE PRETRIAL DETENTION ORDER as to Martin Anderson. Signed by Senior Judge Frederick P. Stamp, Jr. on 9/24/19. (Defendant via US Mail; USPO and USM via email) (lmm) Modified on 3/9/2020 to seal per Judge Bailey pursuant to 75 Order. (lmm). (Main Document 41 replaced on 3/10/2020) (cmd). (Additional attachment(s) added on 3/10/2020: # 1 Unredacted Memorandum) (cmd). (Entered: 09/24/2019)

09/27/2019	42	MOTION to Withdraw as Attorney by Sean Logue. by Martin Anderson. (Logue, Sean) (Entered: 09/27/2019)
09/27/2019	43	ORDER SCHEDULING HEARING ON DEFENSE COUNSEL'S 42 MOTION TO WITHDRAW as to Martin Anderson re 42 MOTION to Withdraw. Motion Hearing set for 9/30/2019 03:00 PM in Wheeling District Judge Courtroom, South before Senior Judge Frederick P. Stamp Jr. Signed by Senior Judge Frederick P. Stamp, Jr. on 9/27/19. (Defendant via US Mail; USPO and USM via email) (lmm) (Entered: 09/27/2019)
09/30/2019	44	MINUTE ENTRY: <u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u> Proceedings held before Senior Judge Frederick P. Stamp, Jr: as to Martin AndersonMotion Hearing as to Martin Anderson held on 9/30/2019 re 42 MOTION to Withdraw as Attorney by Sean Logue. filed by Martin Anderson,. Plea Hearing held on 9/30/2019.. (Court Reporter Cindy Knecht.) (soa) (Entered: 09/30/2019)
09/30/2019	45	(Deemed WITHDRAWN)PLEA AGREEMENT as to Martin Anderson (soa) Modified on 10/29/2019 to note that document is deemed withdrawn, as directed by the Court at the hearing on 10/29/19, with the filing of 54 Plea Agreement(soa). (Entered: 09/30/2019)
10/01/2019	46	ORDER CONFIRMING PRONOUNCED RULINGS OF THE COURT GRANTING DEFENSE COUNSEL'S ORAL MOTION TO WITHDRAW MOTION TO WITHDRAW, CONTINUING PLEA HEARING AND ESTABLISHING SUBMISSION DEADLINE as to Martin Anderson. Plea Hearing set for 10/1/2019 03:00 PM in Wheeling District Judge Courtroom, South before Senior Judge Frederick P. Stamp Jr. Signed by Senior Judge Frederick P. Stamp, Jr. on 10/1/19. (Defendant via US Mail; USPO and USM via email) (lmm) (Entered: 10/01/2019)
10/01/2019	47	MOTION to Continue by Martin Anderson. (Logue, Sean) (Entered: 10/01/2019)
10/01/2019	48	MINUTE ENTRY: <u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u> Proceedings held before Senior Judge Frederick P. Stamp, Jr: as to Martin Anderson. Plea Hearing held on 10/1/2019 and continued. (Court Reporter Cindy Knecht.) (soa) (Entered: 10/01/2019)
10/01/2019	49	ORDER CONFIRMING PRONOUNCED RULING OF THE COURT GRANTING DEFENDANT'S 47 MOTION TO CONTINUE CHANGE OF PLEA HEARING as to Martin Anderson. Second Continued Plea Hearing set for 10/29/2019 12:00 PM in Wheeling District Judge Courtroom, South before Senior Judge Frederick P. Stamp Jr. Signed by Senior Judge Frederick P.

		Stamp, Jr. on 10/1/19. (Defendant via US Mail; USPO and USM via email) (lmm) (Entered: 10/01/2019)
10/02/2019	50	MOTION For Pre-Plea Pre-Sentence Investigation by Martin Anderson. (Attachments: # 1 Exhibit Signed Consent)(Logue, Sean) (Entered: 10/02/2019)
10/04/2019		Jury Selection/Jury Trial set as to Martin Anderson. Jury Selection/Jury Trial set for 11/5/2019 08:30 AM in Wheeling District Judge Courtroom, South before Senior Judge Frederick P. Stamp Jr. (set per chambers) (lmm) (Entered: 10/04/2019)
10/08/2019	51	ORDER: RESCHEDULING PLEA HEARING as to Martin Anderson. Plea Hearing set for 10/29/2019 01:30 PM in Wheeling District Judge Courtroom, South before Senior Judge Frederick P. Stamp Jr. Signed by Senior Judge Frederick P. Stamp, Jr. on 10/8/19. (Defendant via US Mail; USPO and USM via email) (lmm) (Entered: 10/08/2019)
10/08/2019	52	MEMORANDUM OPINION AND ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S 50 MOTION FOR PRE-PLEA PRESENTENCE INVESTIGATION REPORT as to Martin Anderson. Signed by Senior Judge Frederick P. Stamp, Jr. on 10/8/19. (Defendant via US Mail; USPO and USM via email) (lmm) (Entered: 10/08/2019)
10/29/2019	53	MINUTE ENTRY: <u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u> Proceedings held before Senior Judge Frederick P. Stamp, Jr: Continued Change of Plea Hearing held on 10/29/2019. Plea entered by Martin Anderson (1) Guilty Count 3. (Court Reporter Cindy Knecht.) (soa) (Entered: 10/29/2019)
10/29/2019	54	PLEA AGREEMENT (dated 10/7/19) as to Martin Anderson (soa) (Entered: 10/29/2019)
10/29/2019	55	ORDER: FILING PLEA AGREEMENT as to Martin Anderson. The defendant stated that he was in fact guilty of the crime charged in Count Three. Signed by Senior Judge Frederick P. Stamp, Jr. on 10/29/19. (Defendant via US Mail) (lmm) (Entered: 10/29/2019)
01/02/2020	56	Case as to Martin Anderson Reassigned to District Judge John Preston Bailey per Order entered in 3:20MC1. Senior Judge Frederick P. Stamp, Jr no longer assigned to the case.. There are no hearings scheduled before the District Judge to be reset at this time. (cmd) (Entered: 01/02/2020)
01/14/2020	57	PAPERLESS ORDER as to Martin Anderson: A Sentencing Hearing is now set for 1/22/2020 at 3:30 PM in Wheeling District Judge Courtroom, North before District Judge John Preston Bailey. Signed by District Judge John Preston Bailey on 1/14/2020. Copies to USMS and USP. (bjt) (Entered: 01/14/2020)

01/21/2020	59	ORDER TO SEAL ***SEALED*** as to Martin Anderson (1). Signed by District Judge John Preston Bailey on 1/21/2020. (copy to counsel) (nmm) (Entered: 01/21/2020)
01/22/2020	61	PAPERLESS ORDER as to Martin Anderson. The previously scheduled Sentencing for 1/22/2020 has been CANCELLED. The Sentencing Hearing is now RESCHEDULED for FEBRUARY 20, 2020, at 4:00 PM in Wheeling District Judge Courtroom, North before District Judge John Preston Bailey. Signed by District Judge John Preston Bailey on 1/22/2020. Copies to USMS and USP. (bjt) (Entered: 01/22/2020)
02/07/2020	63	PAPERLESS ORDER as to Martin Anderson: Upon consideration, the Unopposed Motion to Seal Document 62 is hereby GRANTED. Accordingly, the Clerk is DIRECTED to SEAL the Memorandum Opinion and Order Confirming Pronounced Ruling of the Court Affirming Magistrate Judge's Detention Order, Overruling Defendant's Objections and Denying Defendant's Motion to Revoke Pretrial Detention Order at 41 . It is so ORDERED. Signed by District Judge John Preston Bailey on 2/7/2020. (JP) (Entered: 02/07/2020)
02/19/2020	65	MOTION to Continue by Martin Anderson. (Logue, Sean) (Entered: 02/19/2020)
02/19/2020	66	PAPERLESS ORDER as to Martin Anderson: Upon consideration, this Court finds no good cause shown; accordingly, the MOTION to Continue 65 is DENIED. Signed by District Judge John Preston Bailey on 2/19/2020. (JP) (Entered: 02/19/2020)
02/20/2020	67	SENTENCING MEMORANDUM (Attachments: # 1 Attachment)(Logue, Sean) (Entered: 02/20/2020)
02/20/2020	68	MINUTE ENTRY: <u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u> A Sentencing Hearing was held before District Judge John Preston Bailey on 2/20/2020 for Martin Anderson (1), Count 3, Defendant to be incarcerated for a term of 18 months; Supervised Release 3 years; Special Assessment \$100.00; Fine N/A; Restitution N/A; Forfeiture N/A; Counts 1 and 2 are hereby Dismissed upon Motion by the Government; (Court Reporter Cindy Knecht.) (bjt) (Entered: 02/20/2020)
02/20/2020	69	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Martin Anderson (bjt) (Entered: 02/20/2020)
02/21/2020	70	JUDGMENT as to Martin Anderson (1), Count(s) 1, 2, Dismissed upon Motion by the Government; Count(s) 3, Defendant to be incarcerated for a term of 18 months; Supervised Release 3 years; Special Assessment \$100.00; Fine N/A; Restitution N/A; Forfeiture N/A. Signed by District Judge John Preston Bailey on 2/21/20. (lmm) (Main Document 70 replaced on 2/21/2020 to correct document) (lmm). (Entered: 02/21/2020)
02/21/2020	71	*SEALED* STATEMENT OF REASONS as to Martin Anderson. Signed by

		District Judge John Preston Bailey on 2/21/20. (counsel via email) (lmm) (Entered: 02/21/2020)
02/26/2020	72	AMENDED JUDGMENT as to Martin Anderson (1) to dismiss Count(s) 1 and 2. Signed by District Judge John Preston Bailey on 2/26/20. (lmm) (Entered: 02/26/2020)
02/26/2020	73	*SEALED* STATEMENT OF REASONS as to Martin Anderson. Signed by District Judge John Preston Bailey on 2/26/20. (Attachments: # 1 Reason for Amendment) (counsel via email) (lmm) (Entered: 02/26/2020)
03/09/2020	75	ORDER ***SEALED*** as to Martin Anderson (1). Signed by District Judge John Preston Bailey on 3/9/20. (Attachments: # 1 Proposed Redaction) (lmm) (Entered: 03/09/2020)
04/14/2020	76	MOTION Transfer to House Arrest by Martin Anderson. (Logue, Sean) (Entered: 04/14/2020)
04/15/2020	77	ORDER DENYING 76 MOTION TO TRANSFER TO HOUSE ARREST as to Martin Anderson. Signed by District Judge John Preston Bailey on 4/15/20. (USPO and USM via email) (lmm) (Entered: 04/15/2020)
04/29/2020	78	Amended Judgment Returned Executed as to Martin Anderson on 4/17/20. (lmm) (Entered: 04/29/2020)
05/08/2020	79	TRANSCRIPT of Sentencing Hearing held on 2/20/2020, before Judge Bailey. as to Martin Anderson Court Reporter/Transcriber Cindy Knecht, Telephone number 304.234.3968. (ck) (Entered: 05/08/2020)
05/13/2020	80	TRANSCRIPT PURCHASE ORDER by USA for proceedings held on 2/20/2020 before Judge Bailey (ck) (Entered: 05/13/2020)
12/21/2020	82	ORDER granting 81 NON-COMPLIANCE SUMMARY as to Martin Anderson: Concur with U.S. Probation Officer's Recommendation; No action at this time. Signed by District Judge John Preston Bailey on 12/21/2020. (nmm) (Entered: 12/21/2020)
01/08/2021	84	ORDER: granting 83 PETITION FOR WARRANT OR SUMMONS FOR OFFENDER UNDER SUPERVISION as to Martin Anderson. Signed by District Judge John Preston Bailey on 1/8/21. (lmm) Modified on 1/13/2021 to unseal pursuant to arrest, NEF REGEN (lmm). (Entered: 01/08/2021)
01/13/2021	86	PAPERLESS ORDER as to Martin Anderson. An Initial Appearance on Revocation Proceedings is set for 1/14/2021 at 10:30 AM in the Wheeling Magistrate Judge Courtroom, 4th Floor before Magistrate Judge James P. Mazzone. Signed by Magistrate Judge James P. Mazzone on 1/13/21. (jc) (Entered: 01/13/2021)
01/13/2021	87	MOTION to Withdraw as Attorney by Sean Logue. by Martin Anderson. (Logue, Sean) (Entered: 01/13/2021)
01/13/2021		Arrest of Martin Anderson. (lmm) (Entered: 01/13/2021)
01/14/2021	88	MOTION for Detention by USA as to Martin Anderson. (Attachments: # 1

		Proposed Order)(Adkins, Shawn) (Entered: 01/14/2021)
01/14/2021	89	ORDER GRANTING <u>87</u> MOTION TO WITHDRAW. Sean Thomas Logue withdrawn from case as to Martin Anderson (1). Signed by District Judge John Preston Bailey on 1/14/21 (Defendant via US Mail; L. Coleman via email) (lmm) (Entered: 01/14/2021)
01/14/2021	90	MINUTE ENTRY: <u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u> Proceedings held before Magistrate Judge James P. Mazzone: Initial Appearance re Revocation of Supervised Release as to Martin Anderson held on 1/14/2021. (Tape #WHG Mazzone 5 19 cr 22 USA v Anderson 1 14 2021.) (ag) (Main Document 90 replaced on 1/14/2021 to correct form to indicate Defendant was remanded to USMS custody, not released) (ag) (Entered: 01/14/2021)
01/14/2021	91	** SEALED ** CJA 23 Financial Affidavit by Martin Anderson. (L. Coleman by email) (ag) (Entered: 01/14/2021)
01/14/2021	92	ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT: as to Martin Anderson. Signed by Magistrate Judge James P. Mazzone on 1/14/2021. (ag) (Entered: 01/14/2021)
01/14/2021	94	PAPERLESS ORDER as to Martin Anderson. An Initial Appearance on Revocation Proceedings was held on this date. The Government requested detention. Accordingly, Defendant was remanded to the custody of the United States Marshals Service for further proceedings. A Preliminary Revocation Hearing and Detention Hearing are set for 1/19/2021 at 10:00 AM in the Wheeling Magistrate Judge Courtroom, 4th Floor before Magistrate Judge James P. Mazzone. Signed by Magistrate Judge James P. Mazzone on 1/14/21. (jc) Modified on 1/14/2021 to REGEN NEF to Attorney Schwab. (lmm). (Entered: 01/14/2021)
01/14/2021	95	ORDER APPOINTING CJA PANEL ATTORNEY AS COUNSEL. Attorney John A. Schwab for Martin Anderson. Signed by Magistrate Judge James P. Mazzone on 1/14/21. (Defendant via US Mail; L. Coleman, USPO and USM via email) (lmm) (Entered: 01/14/2021)
01/15/2021	96	Consent MOTION to Continue <i>Preliminary Revocation Hearing and Detention Hearing</i> by Martin Anderson. (Attachments: # 1 Proposed Order) (Schwab, John) (Entered: 01/15/2021)
01/19/2021	97	ORDER GRANTING DEFENDANT'S <u>96</u> MOTION TO CONTINUE PRELIMINARY REVOCATION AND DETENTION HEARINGS. Preliminary Revocation Hearing/Detention Hearing is set for 1/27/2021 10:00 AM in Wheeling Magistrate Judge Courtroom, 4th Floor before Magistrate Judge James P. Mazzone. Signed by Magistrate Judge James P. Mazzone on 1/19/21. (USPO and USM via email) (lmm) (Entered: 01/19/2021)

01/27/2021	98	ORDER FINDING PROBABLE CAUSE TO HOLD A FINAL REVOCATION HEARING BEFORE THE DISTRICT JUDGE AND DETAINING DEFENDANT UNTIL THE FINAL HEARING. The Court GRANTS the Government's 88 Motion. Signed by Magistrate Judge James P. Mazzone on 1/27/21. (USPO and USM via email) (lmm) (Entered: 01/27/2021)
01/27/2021	99	MINUTE ENTRY: <u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u> Proceedings held before Magistrate Judge James P. Mazzone as to Martin Anderson: Preliminary Revocation/Detention Hearings held/waived as to Martin Anderson held on 1/27/2021. (Tape #WHG Mazzone 5 19 cr 22 USA v Martin 1 27 2021.) (nmm) (Entered: 01/27/2021)
01/27/2021	100	WAIVER of Preliminary Hearing as to Martin Anderson (nmm) (Entered: 01/27/2021)
01/27/2021	101	WAIVER of Detention Hearing by Martin Anderson (nmm) (Entered: 01/27/2021)
01/27/2021	102	DUE PROCESS PROTECTIONS ACT ORDER TO ALL COUNSEL REGARDING BRADY OBLIGATIONS as to Martin Anderson. Signed by Magistrate Judge James P. Mazzone on 1/27/2021. (nmm) (Entered: 01/27/2021)
02/10/2021	103	Consent MOTION for Release from Custody for <i>Inpatient Drug Treatment</i> by Martin Anderson. (Attachments: # 1 Proposed Order, # 2 Exhibit A (acceptance letter), # 3 Exhibit B (program description), # 4 Exhibit C (resident agreement))(Schwab, John) (Entered: 02/10/2021)
02/11/2021	104	ORDER GRANTING CONSENT 103 MOTION FOR RELEASE FROM CUSTODY FOR INPATIENT DRUG TREATMENT as to Martin Anderson (1). Status Conference set for 8/16/2021 01:30 PM in Wheeling District Judge Courtroom, North before District Judge John Preston Bailey. Signed by District Judge John Preston Bailey on 2/11/21. (USPO and USM via email) (lmm) (Entered: 02/11/2021)

PROB 12C
(Rev. 03/15 WVN)

United States District Court
for the
Northern District of West Virginia

***Amended Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Martin Anderson, a/k/a Martin Thomas
Anderson, a/k/a Martin T. Anderson, a/k/a Martin T. McNeil, a/k/a
Martin T. McNeal, a/k/a Jeffery Brown
Reg No. 12928-087

Case Number: 5:19CR22

Name of Sentencing Judicial Officer: The Honorable John Preston Bailey, U.S. District Judge

Date of Original Sentence: February 20, 2020

Original Offense: Unlawful Possession of a Firearm; 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

Original Sentence: 18 months custody followed by 3 years supervised release; \$100 SAF

Type of Supervision: Supervised Release Date Supervision Commenced: September 11, 2020

PETITIONING THE COURT

To issue a warrant
 To issue a summons
 No action - A warrant has previously been requested pursuant to the original petition.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Non-Compliance</u>
1	<u>Violation of Mandatory Condition No. 1: You must not commit another federal, state or local crime.</u>
2	<u>Violation of Mandatory Condition No. 2: You must not unlawfully possess a controlled substance.</u>
3	<u>Violation of Mandatory Condition No. 1: You must not commit another federal, state or local crime.</u>

On December 2, 2020, the defendant was involved in a traffic stopped conducted by members of the Marshall County Drug Task Force in Moundsville, WV. During the traffic stop it was determined the defendant was an unlicensed driver. A search of the vehicle was conducted and two (2) syringes were located and, within the syringes was a liquid substance consistent in appearance of a controlled substance. During the traffic stop the defendant stated the substance within the syringes was methamphetamine.

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Petition for Warrant or Summons
for Offender Under Supervision

4

Violation of Mandatory Condition No. 2: You must not unlawfully possess a controlled substance.

5

Violation of Mandatory Condition No. 3: You must refrain from any unlawful use of a controlled substance.

On December 14, 2020, the defendant admitted to unlawfully possessing and using methamphetamine. (See attached signed and dated Admission Report of Positive Urinalysis.)

6

Violation of Special Condition No. 1: You must participate in substance abuse treatment. The probation officer will supervise your participation in the program.

On December 15, 2020, the defendant agreed to enter Miracles Happen residential treatment program and was instructed to contact and enter the crisis unit at Northwood Health System. The defendant reported to Dr. Nazzaro that he would return home to pack some belongings and report to the crisis unit at Northwood Health Systems. The defendant failed to enter into the program.

7

Violation of Mandatory Condition No. 2: You must not unlawfully possess a controlled substance.

8

Violation of Standard Condition No. 10: You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of felony, you must not knowingly communicate or interact with that person without first getting permission of the probation officer.

9

Violation of Standard Condition No. 12: You must own, possess or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

On December 27, 2020, SGT W. M. Lemon with the West Virginia State Police and a member of the Marshall County Drug Task Force received information from a Confidential Informant (CI) that he/she had been in contact with the defendant, further he/she had been in the presence of defendant when he was "cutting up" meth (packaging for resale). In addition, the CI stated that the defendant was in possession of a small semi-automatic pistol. The CI stated the defendant was inquiring with the CI as to the possibility of purchasing a magazine for the semi-automatic pistol as the firearm was missing the magazine. Due to not having a magazine the firearm was only capable to hold one (1) cartridge. (See two (2) attached surveillance photographs).

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Petition for Warrant or Summons
for Offender Under Supervision

*10

Violation of Special Condition No. 1: You must participate in substance abuse treatment. The probation officer will supervise your participation in the program.

On February 11, 2021, the Court issued an Order Granting Consent Motion For Release From Custody For Inpatient Drug Treatment. As such, the defendant began his long-term substance abuse treatment program at Recovery U on February 12, 2021. A progress report was provided on May 14, 2021 and contained several violations of the program. The report alleges the defendant was leaving the facility without authorization, relapsed on methamphetamine, and skipping certain classes or attending his NA meetings.

Other Non-Compliance

1. On December 31, 2020, the defendant was charged with Possession of Drug Abuse Instruments, Drug Paraphernalia and Obstructing by the Monroe County Sheriff's Department, Woodsfield, Ohio. The report advised that a traffic stop was attempted on a vehicle that failed to yield and traveled across the bridge in New Martinsville, WV to Monroe County, Ohio where the vehicle stopped. A K-9 open air sniff by a Monroe County Deputy indicated the presence of controlled substance(s) and a probable cause search of the vehicle was conducted. During the search, a small amount of suspected marijuana and residue of suspected methamphetamine was located. Additionally, the defendant was found to be in possession of a "switch blade" type knife in violation of state code in Ohio (and WV). This charge remains pending.

U. S. Probation Officer Recommendation: The Probation Officer is recommending the defendant's term of supervised release be revoked. Based on the nature of the violations set forth in this petition, combined with his other reports of non-compliance, it appears the offender can be considered a danger to the community. He has also demonstrated his unwillingness to comply with the conditions of his supervision, making him unsupervisable.

The term of supervision should be:

Revoked*

*The probation officer's request for a warrant is a recommendation that the offender be detained pending a dispositional hearing.

Extended for year(s), for a total term of year(s).

The conditions of supervision should be modified as follows:
(cond)

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Petition for Warrant or Summons
for Offender Under Supervision



Respectfully submitted,

By:



Matthew T. Schmitt
U. S. Probation Officer
Date: May 18, 2021

THE COURT ORDERS

The Issuance of a Warrant

Upon arrest detained and the petition in this matter be unsealed

Upon arrest released on (type) bond and the petition in this matter be unsealed

The Issuance of a Summons

Other

No Action. A warrant has previously been requested pursuant to the original petition.



Signature of Judicial Officer

5-18-2021

Date

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AO 243C (Rev. 09/19) Amended Judgment in a Criminal Case
Sheet 3 — Supervised Release

(NOTE: Identify Changes with Asterisks (*))
Judgment — Page 3 of 7

DEFENDANT: MARTIN ANDERSON

CASE NUMBER: 5:19CR22

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

3 years

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the probation officer.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. (check if applicable)
4. You must make restitution in accordance with 18 U.S.C. § 3663 and 3663A or any other statute authorizing a sentence of restitution. (check if applicable)
5. You must cooperate in the collection of DNA as directed by the probation officer. (check if applicable)
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. (check if applicable)
7. You must participate in an approved program for domestic violence. (check if applicable)

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

AO 245C (Rev. 09/19) Amended Judgment in a Criminal Case
Sheet 3A — Supervised Release

Judgment—Page 4 of 7

DEFENDANT: MARTIN ANDERSON
CASE NUMBER: 5:19CR22

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You shall not commit another federal, state or local crime.
4. You shall not unlawfully possess a controlled substance. You shall refrain from any unlawful use of a controlled substance. You shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the probation officer.
5. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
6. You must answer truthfully the questions asked by your probation officer.
7. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
9. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
10. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
11. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
12. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or lasers).
13. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
14. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
15. You shall not purchase, possess or consume any organic or synthetic intoxicants, including bath salts, synthetic cannabinoids or other designer stimulants.
16. You shall not frequent places that sell or distribute synthetic cannabinoids or other designer stimulants.
17. Upon reasonable suspicion by the probation officer, you shall submit your person, property, house, residence, vehicle, papers, computers, or other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You shall warn any other occupants that the premises may be subject to searches pursuant to this condition.
18. You are prohibited from possessing a potentially vicious or dangerous animal or residing with anyone who possess a potentially vicious or dangerous animal. The probation officer has sole authority to determine what animals are considered to be potentially vicious or dangerous.
19. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature



Date 9/18/20

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AO 245C (Rev. 09/19) Amended Judgment in a Criminal Case
Sheet 3D — Supervised Release

(NOTE Identify Changes with Asterisks (*))

Judgment—Page 5 of 7

DEFENDANT: MARTIN ANDERSON

CASE NUMBER: 5:19CR22

SPECIAL CONDITIONS OF SUPERVISION

NA 1) You must participate in substance abuse treatment. The probation officer will supervise your participation in the program.

NA 2) You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

NA 3) You must comply with the Offender Employment Program which may include participation in training, counseling, and/or daily job search as directed by the probation officer. Unless excused for legitimate reason, if not in compliance with the condition of supervision requiring full-time employment at a lawful occupation, you may be required to perform up to 20 hours of community service per week until employed, as approved by the probation officer.

© PROB/PTS 4

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

ADMISSION/DENIAL REPORT
REPORT OF POSITIVE URINALYSIS

Name: Mark Anderson Docket No.: _____

Client _____

Date Sample Taken: 10/14/20 Barcode #: _____

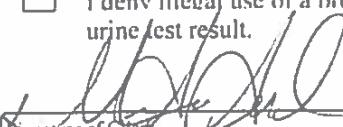
Results of Urinalysis: Positive For: meth

You are hereby provided with notice of a positive test result for a urine specimen submitted by you on the date indicated above. Use of prohibited substances (which includes drugs prescribed for someone other than you by a licensed physician) constitutes a violation of your release conditions. Positive test results, whether admitted or denied, are reported to the court and may result in a court hearing to determine if you are in violation of the conditions of your release. During this hearing you have the right to representation by counsel, and an attorney will be appointed for you if you cannot afford one.

I HAVE READ AND UNDERSTAND THIS NOTICE, AND I AM AWARE OF MY
RIGHTS TO A HEARING.

Initial One:

I admit to illegal use of a prohibited controlled substance as indicated by the above-urine test result.
 I deny illegal use of a prohibited controlled substance as indicated by the above-reported urine test result.


Signature of Client

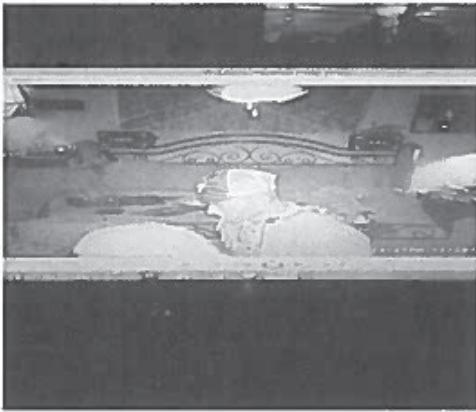

Witnessed By

12/14/20
Date

12-17-2020
Date

Comments:

*First time I used was last Wednesday
12/10.*



Case 5:21-cr-00102-JPB Document 1 Filed 02/11/21* Page 22 of 30 PageID #: 2216
PageID #: 457

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

No. 5:19-CR-22

MARTIN ANDERSON,

Defendant.

**ORDER GRANTING CONSENT MOTION FOR RELEASE
FROM CUSTODY FOR INPATIENT DRUG TREATMENT**

AND NOW, this 11th day of February, 2021, upon consideration of Defendant Martin Anderson's Consent Motion for Release from Custody for Inpatient Drug Treatment [ECF 103] [and the representations made during the hearing held on this day], it is hereby ORDERED, ADJUDGED and DECREED that said Motion is GRANTED. Mr. Anderson is hereby permitted to leave the Northern Regional Jail for the purpose of attending inpatient addiction treatment at Recovery U at 6404 MacCorkle Avenue SW, Saint Albans, West Virginia.

While participating in the inpatient treatment program at Recovery U, Mr. Anderson shall abide by all conditions set forth within the Order of Release filed herein as well as the following:

1. Mr. Anderson must be transported directly (*i.e.*, no stops except for food or fuel) from the Northern Regional Jail to Recovery U by Stephen Pownall, Regional Adult Intervention Specialist with Youth Services System. No other occupants inside the vehicle are permitted.
2. Mr. Anderson must remain within the Recovery U facility unless (i) specifically authorized in advance by the Court, or (ii) a valid medical emergency exists, which must be verified by Ms. Berkley.
3. Mr. Anderson may leave the Recovery U facility for a routine medical appointment with 72 hours advance notice by Mr. Anderson's probation officer.
4. Mr. Anderson must execute a medical release of information allowing the appropriate person at Recovery U to immediately notify the U.S. probation officer and the U.S. Marshals Service if Mr. Anderson leaves the facility without permission. If Mr. Anderson

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absconds or otherwise leaves the facility without permission, the Court is to be notified and Mr. Anderson shall be arrested and held in the custody of the United States Marshals Service.

5. Upon completion of the program (either successful or unsuccessful), Mr. Anderson is to be remanded to the custody of the United States Marshals Service unless provided for by separate Order of Court.

A status conference is hereby scheduled for August 16, 2021 at 1:30/pm at which the appropriateness of further treatment and the potential for privileges like leaving the facility to work, an overnight pass for him to spend time with his wife, etc.

It is so ORDERED.

The Clerk is DIRECTED to forward a copy of this Order to parties who appear pro se and all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia, to the United States Marshalls Service and to the United States Probation Office.

Dated: 2-11-2021



Robert C. Sammis
UNITED STATES DISTRICT JUDGE

RECOVERY "U"

6404 McCorkle Ave. St. Albans WV 25177

May 14, 2021

To Whom It May Concern:

Martin Anderson McNeil began his long-term substance use treatment program at Recovery U on February 12, 2021.

Wednesday May 12 we were notified by phone that Mr. Anderson McNeil along with another resident, Andrew Snyder, had been sneaking out of the facility with the help of our residential manager. That evening we brought him into the Director's office and told him we knew what he had been doing and he had one opportunity to admit it or he would be removed. He did not know what we knew for sure, so he began by saying that he had not been working the program, had not been going to class and had not been doing his NA meetings or required write ups for the previous week. Bill, the Director, told him no, we knew about that and that was ready to be dealt with and reported but we were talking about a lot more. He then stated that he had "relapsed" while in our program, which we did not know but also told him that is not what we are addressing today, and he was given one more chance to tell us. He then admitted leaving the facility on two occasions with the help of the residential manager. The residential manager (RM) is a graduate student of our program that we were in the process of hiring, but he still resided at the facility. When we asked the RM why he did this he just said, "I don't know". He was asked to pack his things and leave immediately. Mr. Anderson McNeil began with a list of excuses about his wife to which we responded that we did not want to hear them. He left the office and took off from the facility on foot without any of his belongings. Approximately an hour later he called saying he was scared we had called the police and that they were on the way to pick him up. I told him

we had not but that I had immediately emailed the Court. I told him he could come back and we would now wait on the Court to make that decision. He came back within 20 minutes of the call.

The RM knew how to avoid certain areas that the cameras do not cover and we cannot pull up any footage of him leaving or returning. His "relapse" was on meth and was supposedly while out on one of these excursions. Again, the RM is suspected of tampering with his urine screens to help him in this also. We cannot of course get a truthful answer from him about how many times he had done this, he says it was only two times. His Recovery Coach noted him behaving differently about a month ago, always trying to get him to take him somewhere, which he did not due to the court order.

After much discussion, we have decided that we will allow him to stay if the Court sees fit to do so. If he does remain in the program, he will be reset and his requirement of one year of treatment starts over today. He will write 5,000 words on whatever related topic we choose for him to reflect on his poor choices. He will not have a phone for 90 days. He will not be allowed TV, basketball court/weightlifting, or other outdoor activities at the facility. He will not have any visitors on Saturdays for 90 days.

All of this is subject to Court approval and can be altered to what the Court feels is appropriate. Please let me know what is decided or if he is now required to appear in person to face the consequences of these actions.

Feel free to contact me with any questions or recommendations.

Linda Berkley, MSW
Owner & Co-Director
304-553-2034 cell
681-265-5090 office

AMENDED VIOLATION WORKSHEET

1. Defendant: Martin Anderson, a/k/a Martin Thomas Anderson, a/k/a Martin T. Anderson, a/k/a Martin T. McNeil, a/k/a Martin T. McNeal, a/k/a Jeffery Brown

2. Docket Number (Year-Sequence-Defendant No.): 5:19CR22

3. District/Office: Northern District of West Virginia/Wheeling

4. Original Sentence Date: February 20, 2020

(if different than above)

5. Original District/Office (if different than above):

6. Original Docket Number (Year-Sequence-Defendant No.):

7. List each violation and determine the applicable grade (see §7B1.1):

<u>Violation(s)</u>	<u>Grade</u>
• <u>No. 1</u> <u>Commission of a new offense</u>	<u>C</u>
• <u>No. 2</u> <u>Unlawful possession of a controlled substance</u>	<u>C</u>
• <u>No. 3</u> <u>Commission of a new offense</u>	<u>C</u>
• <u>No. 4</u> <u>Unlawful possession of a controlled substance</u>	<u>C</u>
• <u>No. 5</u> <u>Unlawful use of a controlled substance</u>	<u>C</u>
• <u>No. 6</u> <u>Unsuccessful participation in treatment</u>	<u>C</u>
• <u>No. 7</u> <u>Unlawful possession of a controlled substance</u>	<u>C</u>
• <u>No. 8</u> <u>Associating with persons engaged in criminal activity</u>	<u>C</u>
• <u>No. 9</u> <u>Possession of a firearm</u>	<u>B</u>
• <u>No. 10</u> <u>Unsuccessful participation in treatment</u>	<u>C</u>

8. Most Serious Grade of Violation (see §7B1.1(b)): B

9. Criminal History Category (see §7B1.4(b)): III

10. Range of Imprisonment (see §7B1.4(a)): 8 - 14 months

11. Sentencing Options for Grade B and C Violations Only (check the appropriate box):

(a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.

Defendant: Martin Anderson, a/k/a Martin Thomas Anderson, a/k/a Martin T. Anderson, a/k/a Martin T. McNiel, a/k/a Martin T. McNeal, a/k/a Jeffery Brown

(b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.

X (c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

12. Unsatisfied Conditions of Original Sentence:

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed, in connection with the sentence for which revocation is ordered, that remains unpaid or not served at the time of revocation (see § 7B1.3(d)):

<u>Restitution(\$):</u>	<u>N/A</u>	<u>Community Confinement:</u>	<u>N/A</u>
<u>Fine(\$):</u>	<u>N/A</u>	<u>Home Detention:</u>	<u>N/A</u>
<u>Other:</u>	<u>N/A</u>	<u>Intermittent Confinement:</u>	<u>N/A</u>

13. Supervised Release:

If Probation is to be revoked, determine the length, if any, of the term of Supervised Release according to the provisions of §§5D1.1-1.3 (see §§7B1.3(g)(1)).

Term: N/A

If Supervised Release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment imposable upon revocation, the defendant may, to the extent permitted by law, be ordered to recommitte Supervised Release upon release from imprisonment (see 18 U.S.C. § 3583(e) and §7B1.3(g)(2)).

Pursuant to 18 U.S.C. § 3624(e), multiple terms of Supervised Release are to run concurrently.

Period of Supervised Release to be served following release from imprisonment:

36 months less any term of imprisonment imposed upon revocation.

14. Departure:

Defendant: Martin Anderson, a/k/a Martin Thomas Anderson, a/k/a Martin T. Anderson,
a/k/a Martin T. McNeil, a/k/a Martin T. McNeal, a/k/a Jeffery Brown

List aggravating and mitigating factors that may warrant a sentence outside the
applicable range of imprisonment:

NOTE: The maximum term of imprisonment imposable upon revocation of Supervised
Release for a Class C Felony is 24 months, pursuant to 18 U.S.C. § 3583(e)(3).

UNITED STATES DISTRICT COURT

for the

Northern District of West Virginia

United States of America

v.

Martin Anderson, a/k/a Martin Thomas
 Anderson, a/k/a Martin T. Anderson, a/k/a Martin T.
 McNeil, a/k/a Martin I. McNeal, a/k/a Jeffery Brown

Case No. 5:19-cr-22

Defendant

ARREST WARRANT

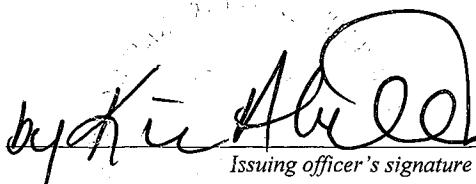
To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) Martin Anderson,

who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Cheryl Dean Riley


Issuing officer's signature



Printed name and title

Date: 5/18/2021City and state: Wheeling, WV

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: Martin Anderson

Known aliases: Martin Thomas Anderson, Martin T. Anderson, Martin T. McNeil, Martin I. McNeal, Jeffery Brown

Last known residence: Recovery U, 6404 McCorkle Avenue, St. Albans, WV 25177

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (name, relation, address, phone number): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable): _____

Date of last contact with pretrial services or probation officer (if applicable): _____